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Energy and Telecommunications Interim Committee

66th Montana Legislature

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May 15, 2020

To: Energy and Telecommunications Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, April 2020

The Energy and Telecommunications Interim Committee (ETIC) is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA). The ETIC has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Department of Public Service Regulation and the Public Service Commission. The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Public Service Regulation and Public Service Commission

MAR Notice Number: 38-5-245

Subject: Amendment of rules pertaining to small generator interconnection.

Summary: The department proposes to amend 38.5.8401 (definitions) and 38.5.8408 (additional requirements). The proposed rule amendment will add a definition for "premises." The definition will provide that a "premises" means the customer-generator's real property served by each metered electrical service. The proposed rule further provides that only one net metering system, with an aggregate nameplate capacity that does not exceed 50 kW, is permitted per premises. Additionally, the department proposes to amend the definition of "small generator facility" to provide that it is an energy resource for the production, or storage and production, of electricity that has an aggregate nameplate capacity that does not exceed 10 MW and is designed to operate in parallel with the electric distribution system. The amendments to 38.5.8408 add reporting requirements to the PSC. The department states that the rules are necessary to effectuate the commission's recent decisions in *In re Northwestern's 2018 SGIP Application*, D2016.9.66, Order 7621a (Jun. 7, 2019); *In re MDU's 2018 SGIP Application*, D2018.6.44, Order 7620a (Apr. 19, 2019); and *In re the Commission's Biennial Review of SGIP Requirements*, Notice of Commission Action (Jan. 23, 2018).

Notes/Hearing: The department will hold a public hearing on June 2, 2020, to consider the notice.

